

SECOND REGULAR SESSION

# SENATE BILL NO. 731

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CROWELL.

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Pre-filed January 5, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 217.750, 559.600, 559.602, and 559.604, RSMo, and to enact in lieu thereof four new sections relating to private probation services.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

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Section A. Sections 217.750, 559.600, 559.602, and 559.604, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections  
3 217.750, 559.600, 559.602, and 559.604, to read as follows:

217.750. 1. At the request of a judge of any circuit court, the board shall  
2 provide probation services for such court as provided in subsection 2 of this  
3 section.

4 2. The board shall provide probation services for any person convicted of  
5 any class of felony, **except when the offense is a class C or class D felony,**  
6 **in which case the board shall provide probation services unless the**  
7 **circuit and associate circuit judges in a circuit contract with private**  
8 **entities or other court-approved entities to provide such services**  
9 **pursuant to section 559.600 and the sentencing judge orders the use of**  
10 **such private services.** The board shall not provide probation services for any  
11 class of misdemeanor except those class A misdemeanors the basis of which is  
12 contained in chapters 565 and 566, RSMo, or in section 568.050, RSMo, 455.085,  
13 RSMo, 589.425, RSMo, or section 455.538, RSMo.

559.600. In cases where the board of probation and parole is not required  
2 under section 217.750, RSMo, to provide probation supervision and rehabilitation  
3 services for misdemeanor offenders, **or offenders who have pleaded guilty**  
4 **to or been found guilty of a class C or class D felony when private**  
5 **probation services are ordered by the sentencing court,** the circuit and

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

6 associate circuit judges in a circuit may contract with one or more private entities  
7 or other court-approved entity to provide such services. The court-approved  
8 entity, including private or other entities, shall act as a misdemeanor probation  
9 office in that circuit and shall, pursuant to the terms of the contract, supervise  
10 persons placed on probation by the judges for class A, B, and C misdemeanor  
11 offenses, specifically including persons placed on probation for violations of  
12 section 577.023, RSMo. **Such entity shall also act as a probation office in**  
13 **that circuit and shall, at the sentencing judge's discretion and pursuant**  
14 **to the terms of the contract, supervise persons placed on probation by**  
15 **the judge for a class C or class D felony.** Nothing in sections 559.600 to  
16 559.615 shall be construed to prohibit the board of probation and parole, or the  
17 court, from supervising [misdemeanor] **such** offenders in a circuit where the  
18 judges have entered into a contract with a probation entity.

559.602. A private entity seeking to provide probation supervision and  
2 rehabilitation services to [misdemeanor] offenders **pursuant to sections**  
3 **559.600 to 559.615** shall make timely written application to the judges in a  
4 circuit. When approved by the judges of a circuit, the application, the judicial  
5 order of approval and the contract shall be forwarded to the board of probation  
6 and parole. The contract shall contain the responsibilities of the private entity,  
7 including the offenses for which persons will be supervised. The board may then  
8 withdraw supervision of [misdemeanor] offenders [which] **who** are to be  
9 supervised by the court-approved private entity in that circuit.

559.604. Neither the state of Missouri nor any county of the state shall  
2 be required to pay any part of the cost of probation and rehabilitation services  
3 provided to [misdemeanor] offenders under sections 559.600 to 559.615. The  
4 person placed on probation shall contribute not less than thirty dollars or more  
5 than [fifty] **sixty-five** dollars per month to the private entity providing him with  
6 supervision and rehabilitation services. The amount of the contribution shall be  
7 determined by the sentencing court. The court may exempt a person from all or  
8 part of the foregoing contribution if it finds any of the following factors to exist:

9 (1) The offender has diligently attempted, but has been unable, to obtain  
10 employment which provides him **or her** sufficient income to make such  
11 payments;

12 (2) The offender is a student in a school, college, university or course of  
13 vocational or technical training designed to fit the student for gainful  
14 employment. Certification of such student status shall be supplied to the court

15 by the educational institution in which the offender is enrolled;

16 (3) The offender has an employment handicap, as determined by a  
17 physical, psychological or psychiatric examination acceptable to or ordered by the  
18 court;

19 (4) The offender's age prevents him **or her** from obtaining employment;

20 (5) The offender is responsible for the support of dependents, and the  
21 payment of such contribution constitutes an undue hardship on the offender;

22 (6) There are other extenuating circumstances as determined by the court  
23 to exempt or partially reduce such payments; or

24 (7) The offender has been transferred outside the state under an  
25 interstate compact adopted pursuant to law.

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Bill

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